IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 29TH JUNE 2007 / 8TH ASHADHA 1929

Bail Appl..No. 3947 of 2007()

CRMP.1627/2007 of DISTRICT COURT, ALAPPUZHA

.....

CRIME NO.227/07 OF AMBALAPUZHA POLICE STATION

: PETITIONER/1ST ACCUSED

NIHAS, S/O. ABDUL LATHEEF,
ANJILIPURAM, KAKKAZHAM P.O., ALAPPUZHA.

BY ADV. SRI.C.A.CHACKO
SMT.C.M.CHARISMA
SRI.N.A.SHAFEEK

RESPONDENTS: COMPLAINANT

THE STATE OF KERALA, REPRESENTING
SUB INSPECTOR OF POLICE, AMBALAPUZHA POLICE
STATION, REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR ADV.SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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B.A.No.3947 Of 2007

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Dated this the 29th day of June, 2007

ORDER

Application for anticipatory bail. The petitioner faces allegations inter alia, under Section 308 read with 34 IPC. The petitioner allegedly attacked the victim and caused injuries to him.

2. Investigation is in progress. The petitioner apprehends imminent arrest. The learned counsel for the petitioner only submits that without any satisfactory reasons the allegation under Section 308 IPC has been raised against the petitioner and the other accused. The inclusion of Section 308 is only a reflection of the prejudice of the Investigating Officer and not based on any objective, data or criteria. Except the offence under Section 308 all other offences are bailable. In these circumstances, appropriate directions may be issued, it is submitted.

3. The learned Public Prosecutor, after perusing the case diary, read over to me, the nature of injuries suffered by the victim and allegations raised against the petitioner. I am not satisfied that there is satisfactory reasons none to justify the allegations under the graver offence punishable under Section 308 IPC.

4. I am satisfied that it is for the petitioner to surrender before the learned Magistrate and seek regular bail and the learned Magistrate shall consider the application for regular bail, reckoning that no allegation under Sec.308 has been validly raised.

5. In the result this petition is allowed in part, with the above observations.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE